

# SENATE JOURNAL

OF THE

## IDAHO LEGISLATURE

FIRST REGULAR SESSION  
FIFTY-EIGHTH LEGISLATURE

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**THIRTY-THIRD LEGISLATIVE DAY  
FRIDAY, FEBRUARY 11, 2005**

Senate Chamber

President Risch called the Senate to order at 11 a.m.

Roll call showed all members present except Senators Andreason, Cameron and Malepeai, absent and formally excused by the Chair; and Senators Schroeder and Stennett, absent and excused.

Prayer was offered by Chaplain Don Hardenbrook.

The Pledge of Allegiance was led by Ali Lauda, Page.

The Senate advanced to the Third Order of Business.

### Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of February 10, 2005, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate went at ease and resolved itself into the Committee for the Lincoln Day Service. The President called Senators Jorgenson and Coiner, Co-Chairmen, to the Chair to preside over the Lincoln Day Service.

The Lincoln Day Service was presented to the members of the Senate with Senators Jorgenson and Coiner officiating and presenting a picture of Abraham Lincoln to be displayed. Musical selections were performed by Mr. Mike Smith and Ms. Dale Cusumano of the Boise Master Chorale and a recitation was performed by Mr. Jeremy Chase. Event Coordinator was Mrs. Jane Gorsuch.

Following the Lincoln Day Service, Senators Jorgenson and Coiner declared the Committee dissolved and the President Pro Tempore called the Senate to order.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifth Order of Business.

### Petitions, Resolutions, and Memorials

Senator Stennett was recorded present at this order of business.

### SCR 107

#### BY HEALTH AND WELFARE COMMITTEE

#### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE BUREAU OF OCCUPATIONAL LICENSES GOVERNING THE BOARD OF SOCIAL WORK EXAMINERS.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the Bureau of Occupational Licenses governing the Board of Social Work Examiners are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Fifty-eighth Idaho Legislature, the Senate and the House of Representatives concurring therein, that IDAPA 24.14.01, Rules Governing the Board of Social Work Examiners, Section 202, relating to social work supervisor registration, Subsections 01.b, 01.c and 02.c only, Rules of the Bureau of Occupational Licenses adopted as pending rules under Docket Number 24-1401-0401, be, and the same are hereby rejected and declared null, void and of no force and effect.

**SCR 107** was introduced, read at length, and referred to the Judiciary and Rules Committee for printing.

The Senate advanced to the Sixth Order of Business.

### Reports of Standing Committees

February 11, 2005

The JUDICIARY AND RULES Committee reports that **S 1104**, **S 1105**, **S 1106**, and **S 1107** have been correctly printed.

DARRINGTON, Chairman

**S 1104** was referred to the Local Government and Taxation Committee.

**S 1105** was referred to the Health and Welfare Committee.

**S 1106** and **S 1107** were referred to the Agricultural Affairs Committee.

February 10, 2005

The COMMERCE AND HUMAN RESOURCES Committee reports out **S 1092** with the recommendation that it do pass.

ANDREASON, Chairman

**S 1092** was filed for second reading.

February 11, 2005

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 11** with the recommendation that it be referred to the Fourteenth Order of Business for amendment.

BUNDERSON, Chairman

There being no objection, **H 11** was referred to the Fourteenth Order of Business, General Calendar.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

#### Messages from the House

February 10, 2005

Mr. President:

I transmit herewith **H 91**, **HJM 1**, and **H 48** which have passed the House.

JUKER, Chief Clerk

**H 91**, **HJM 1**, and **H 48** were filed for first reading.

February 10, 2005

Mr. President:

I transmit herewith Enrolled **H 12**, **H 13**, **H 15**, and **H 3** for the signature of the President.

JUKER, Chief Clerk

The President Pro Tempore signed Enrolled **H 12**, **H 13**, **H 15**, and **H 3** and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

#### Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

The President returned to the Chair.

#### **S 1108**

#### **BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### AN ACT

RELATING TO THE PUBLIC EMPLOYEE RETIREMENT SYSTEM; AMENDING SECTION 59-1356, IDAHO CODE, TO PROVIDE THAT PERSI RETIREES WHO RETIRE WITHOUT EARLY RETIREMENT REDUCTIONS AND ARE REEMPLOYED AFTER SIX MONTHS WITH AN EMPLOYER OTHER THAN THE SAME EMPLOYER MAY ELECT TO CONTINUE RECEIVING RETIREMENT BENEFITS AND NOT ACCRUE ADDITIONAL SERVICE AND TO PROVIDE THAT

THE EMPLOYER SHALL PAY CONTRIBUTIONS AS DETERMINED BY THE BOARD; AND PROVIDING AN EFFECTIVE DATE.

#### **S 1109**

#### **BY COMMERCE AND HUMAN RESOURCES COMMITTEE**

##### AN ACT

RELATING TO WORKER'S COMPENSATION; AMENDING SECTION 72-205, IDAHO CODE, TO PROVIDE THAT A VOLUNTEER OF A SHERIFF'S OFFICE OR DEPARTMENT SHALL BE DEEMED AN EMPLOYEE FOR PURPOSES OF WORKER'S COMPENSATION COVERAGE AND TO MAKE TECHNICAL CORRECTIONS.

#### **S 1110**

#### **BY TRANSPORTATION COMMITTEE**

##### AN ACT

RELATING TO SPECIAL PUBLIC COLLEGE AND UNIVERSITY MOTOR VEHICLE LICENSE PLATES; AMENDING SECTION 49-418A, IDAHO CODE, TO EXPAND THE SPECIAL MOTOR VEHICLE LICENSE PLATE PROGRAM TO INCLUDE THREE NONPUBLIC COLLEGES AND UNIVERSITIES.

#### **S 1111**

#### **BY LOCAL GOVERNMENT AND TAXATION COMMITTEE**

##### AN ACT

RELATING TO LIMITATIONS OF ACTIONS; AMENDING CHAPTER 2, TITLE 5, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 5-213A, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE FOR THE OWNERSHIP ACQUISITION OF ANY PART OR PARCEL OF TRACTS OF PRIVATE FOREST LAND, TO PROHIBIT CERTAIN MEANS OF OWNERSHIP ACQUISITION AND TO PROVIDE FOR APPLICATION.

#### **S 1112**

#### **BY LOCAL GOVERNMENT AND TAXATION COMMITTEE**

##### AN ACT

RELATING TO LOCAL LAND USE PLANNING AND APPLICABILITY TO AGRICULTURAL LAND; AMENDING SECTION 67-6529, IDAHO CODE, TO STRIKE A RESTRICTION ENTITLING ONLY CERTAIN PERSONS TO PROVIDE COMMENT AT PUBLIC HEARINGS HELD BY BOARDS OF COUNTY COMMISSIONERS FOR THE SITING OF CERTAIN LARGE CONFINED ANIMAL FEEDING OPERATIONS AND FACILITIES.

**S 1108**, **S 1109**, **S 1110**, **S 1111**, and **S 1112** were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

**H 91**, by Resources and Conservation Committee, was introduced, read the first time at length, and referred to the Resources and Environment Committee.

**HJM 1**, by Resources and Conservation Committee, was introduced, read at length, and referred to the Resources and Environment Committee.

**H 48**, by State Affairs Committee, was introduced, read the first time at length, and referred to the State Affairs Committee.

The Senate advanced to the Twelfth Order of Business.

### Second Reading of Bills

Senator Schroeder was recorded present at this order of business.

**H 21**, by Resources and Conservation Committee, was read the second time at length and filed for third reading.

**S 1053, S 1069, S 1070, S 1072, and S 1073**, by Judiciary and Rules Committee, were read the second time at length and filed for third reading.

**H 27, H 28, H 29, and H 31**, by Revenue and Taxation Committee, were read the second time at length and filed for third reading.

**S 1050**, by Education Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

### Third Reading of Bills

On request by Senator Brandt, granted by unanimous consent, **S 1057** was referred to the Fourteenth Order of Business, General Calendar.

**S 1078** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Coiner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Goedde, Hill, Jorgenson, Kelly, Keough, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stennett, Sweet, Werk, Williams. Total - 28.

NAYS--Geddes, Langhorst, Little, Stegner. Total - 4.

Absent and excused--Andreason, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **S 1078** passed, title was approved, and the bill ordered transmitted to the House.

**S 1090** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Brandt arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **S 1090** passed, title was approved, and the bill ordered transmitted to the House.

**S 1059** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **S 1059** passed, title was approved, and the bill ordered transmitted to the House.

**H 10** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **H 10** passed, title was approved, and the bill ordered returned to the House.

**H 14** was read the third time at length, section by section, and placed before the Senate for final consideration. Senator McKenzie arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Brandt, Broadsword, Bunderson, Burkett, Burtenshaw, Coiner, Compton, Corder, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Jorgenson, Kelly, Keough, Langhorst, Little, Lodge, Marley, McGee, McKenzie, Noble, Pearce, Richardson, Schroeder, Stegner, Stennett, Sweet, Werk, Williams. Total - 32.

NAYS--None.

Absent and excused--Andreason, Cameron, Malepeai. Total - 3.

Total - 35.

Whereupon the President declared **H 14** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

#### **Miscellaneous Business**

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate adjourned at 12:05 p.m. until the hour of 11 a.m., Monday, February 14, 2005.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary